

# United States Court of Appeals For the First Circuit

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No. 21-1035

BAYSTATE HEALTH, INC.,

Plaintiff - Appellant,

v.

BAY STATE PHYSICAL THERAPY, P.C.; BAY STATE PHYSICAL THERAPY OF  
RANDOLPH, INC.; STEVEN WINDWER,

Defendants - Appellees.

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Before

Howard, Chief Judge,  
Thompson and Barron, Circuit Judges.

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## JUDGMENT

Entered: July 16, 2021

In view of Plaintiff's Motion for Remand to the District Court and for Dismissal of Interlocutory Appeal, this appeal is dismissed and the matter remanded to the district court for further proceedings. The district court appears to have purported to vacate its December 15, 2020 order which was the subject of this appeal. In the interest of supporting the parties' settlement by not requiring further, non-substantive proceedings, we treat the motion in this court as a motion for voluntary dismissal under Rule 42(b). As such, the motion is granted, nunc pro tunc, as of June 7, 2021. The district court is, thus, deemed to have had jurisdiction to enter its order of June 8, 2021.

By the Court:

Maria R. Hamilton, Clerk

cc:

Hon. Mark G. Mastroianni

Robert Farrell, Clerk, United States District Court for the District of Massachusetts

Mary R. Bonzagni

James C. Duda

Lauren C. Ostberg

Lucy Jewett Wheatley